

**U.S. District Court  
Southern District of New York (Foley Square)  
CIVIL DOCKET FOR CASE #: 1:18-cv-07029-PKC**

State of New York v. United States Department of Labor  
Assigned to: Judge P. Kevin Castel  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/06/2018  
Jury Demand: None  
Nature of Suit: 895 Freedom of Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**State of New York**  
*by the Attorney General of the State of  
New York*

represented by **Julie Rivchin Ulmet**  
Office of the Attorney General  
28 Liberty Street  
New York, NY 10005  
212-416-8681  
Fax: 212-416-8694  
Email: [julie.ulmet@ag.ny.gov](mailto:julie.ulmet@ag.ny.gov)  
**ATTORNEY TO BE NOTICED**

**Kevin M. Lynch**  
N.Y.S. Office of The Attorney General  
120 Broadway  
New York, NY 10271  
(212)-416-6081  
Fax: 212-416-8694  
Email: [kevin.lynch@ag.ny.gov](mailto:kevin.lynch@ag.ny.gov)  
**ATTORNEY TO BE NOTICED**

**Mayur Saxena**  
New York State Office of the Attorney  
General (28 Liberty)  
28 Liberty Street, 15th Floor  
New York, NY 10005  
212-416-6493  
Fax: 212-416-8700  
Email: [mayur.saxena@ag.ny.gov](mailto:mayur.saxena@ag.ny.gov)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**United States Department of Labor**

represented by **Emily Elizabeth Bretz**  
United States Attorney's Office  
Southern District Of New York  
86 Chambers Street, Third Floor  
New York, NY 10007  
(212)-637-2800  
Email: [Emily.Bretz@usdoj.gov](mailto:Emily.Bretz@usdoj.gov)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
08/06/2018	<u>1</u>	COMPLAINT against United States Department of Labor. (Filing Fee \$ 400.00, Receipt Number 0208-15411160) Document filed by State of New York. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D)(Saxena, Mayur) (Entered: 08/06/2018)

08/06/2018	<u>2</u>	CIVIL COVER SHEET filed. (Saxena, Mayur) (Entered: 08/06/2018)
08/06/2018	<u>3</u>	REQUEST FOR ISSUANCE OF SUMMONS as to United States Department of Labor, re: <u>1</u> Complaint. Document filed by State of New York. (Saxena, Mayur) (Entered: 08/06/2018)
08/06/2018	<u>4</u>	NOTICE OF CHANGE OF ADDRESS by Mayur Saxena on behalf of State of New York. New Address: New York State Office of the Attorney General, 28 Liberty Street, 15th Floor, New York, New York, United States 10005, 212-416-6493. (Saxena, Mayur) (Entered: 08/06/2018)
08/07/2018		CASE OPENING INITIAL ASSIGNMENT NOTICE: The above-entitled action is assigned to Judge Richard J. Sullivan. Please download and review the Individual Practices of the assigned District Judge, located at <a href="http://nysd.uscourts.gov/judges/District">http://nysd.uscourts.gov/judges/District</a> . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. Please download and review the ECF Rules and Instructions, located at <a href="http://nysd.uscourts.gov/ecf_filing.php">http://nysd.uscourts.gov/ecf_filing.php</a> . (pc) (Entered: 08/07/2018)
08/07/2018		Magistrate Judge Stewart D. Aaron is so designated. Pursuant to 28 U.S.C. Section 636(c) and Fed. R. Civ. P. 73(b)(1) parties are notified that they may consent to proceed before a United States Magistrate Judge. Parties who wish to consent may access the necessary form at the following link: <a href="http://nysd.uscourts.gov/forms.php">http://nysd.uscourts.gov/forms.php</a> . (pc) (Entered: 08/07/2018)
08/07/2018		Case Designated ECF. (pc) (Entered: 08/07/2018)
08/07/2018	<u>5</u>	ELECTRONIC SUMMONS ISSUED as to United States Department of Labor. (pc) (Entered: 08/07/2018)
08/29/2018	<u>6</u>	AFFIDAVIT OF SERVICE (FOIA CASE). United States Department of Labor served on 8/20/2018, answer due 9/19/2018. Service was accepted by Lisa Ahearn, Civil Clerk. Document filed by State of New York. (Attachments: # <u>1</u> Affidavit Affidavit of Service)(Saxena, Mayur) (Entered: 08/29/2018)
08/31/2018	<u>7</u>	ORDER: Initial Conference set for 10/12/2018 at 11:00 AM in Courtroom 905, 40 Centre Street, New York, NY 10007 before Judge Richard J. Sullivan; and as further set forth in this Order. Plaintiff shall serve Defendant with a copy of this Order and file a certificate of service on ECF indicating that this service was effectuated. Defendant shall thereafter file a notice of appearance through ECF. SO ORDERED. (Signed by Judge Richard J. Sullivan on 8/31/2018) (anc) (Entered: 08/31/2018)
09/07/2018	<u>8</u>	CERTIFICATE OF SERVICE of Order served on United States Department of Labor on 9/6/2018. Service was made by Mail. Document filed by State of New York. (Saxena, Mayur) (Entered: 09/07/2018)
09/09/2018	<u>9</u>	ORDER: IT IS HEREBY ORDERED THAT the initial conference, previously scheduled for October 12, 2018 at 11:00 a.m., is adjourned to November 2, 2018 at 10:45 a.m. IT IS FURTHER ORDERED THAT the parties' joint letter, and proposed case management plan and scheduling order, shall be filed by October 25, 2018. SO ORDERED. (Initial Conference set for 11/2/2018 at 10:45 AM before Judge Richard J. Sullivan). (Signed by Judge Richard J. Sullivan on 9/9/2018) (rjm) (Entered: 09/10/2018)
09/17/2018	<u>10</u>	ANSWER to <u>1</u> Complaint. Document filed by United States Department of Labor.(Bretz, Emily) (Entered: 09/17/2018)
10/16/2018	<u>11</u>	NOTICE OF APPEARANCE by Julie Rivchin Ulmet on behalf of State of New York. (Ulmet, Julie) (Entered: 10/16/2018)
10/25/2018		NOTICE OF CASE REASSIGNMENT to Judge P. Kevin Castel. Judge Richard J. Sullivan is no longer assigned to the case. (sjo) (Entered: 10/25/2018)
11/02/2018	<u>12</u>	ORDER INITIAL PRETRIAL CONFERENCE: Initial Conference set for 11/9/2018 at 11:30 AM in Courtroom 11D, 500 Pearl Street, New York, NY 10007 before Judge P. Kevin Castel, as further set forth in this order. (Signed by Judge P. Kevin Castel on 11/2/2018) (jwh) (Entered: 11/02/2018)

11/02/2018	<u>13</u>	LETTER addressed to Judge P. Kevin Castel from Emily Bretz dated November 2, 2018 re: Initial Conference. Document filed by United States Department of Labor.(Bretz, Emily) (Entered: 11/02/2018)
11/09/2018		Minute Entry for proceedings held before Judge P. Kevin Castel: Initial Pretrial Conference held on 11/9/2018. See, Order Following Pretrial Conference. (Nacanthier, Florence) (Entered: 11/09/2018)
11/09/2018	<u>14</u>	ORDER FOLLOWING PRETRIAL CONFERENCE: 1. The pace of productions must increase. The Court is prepared, if necessary, to impose a schedule on the DOL and impose the full range of sanctions for non-compliance with such a schedule. The Court expects a demonstration that DOL has produced the vast amount of the requested material by December 28, 2018. 2. The parties are directed to discuss further narrowing of search terms and also any prioritization of production. 3. The government shall report in writing by January 10, 2019. (Signed by Judge P. Kevin Castel on 11/9/2018) (jwh) (Entered: 11/09/2018)
12/27/2018	<u>15</u>	STANDING ORDER M10-468 The United States Attorney's Office shall notify the Court immediately upon the restoration of Department of Justice funding. (As further set forth in this Order.) (Signed by Judge Colleen McMahon on 12/27/2018) (cf) (Entered: 01/07/2019)
12/27/2018		Case Stayed (cf) (Entered: 01/14/2019)
01/29/2019	<u>16</u>	STATUS REPORT. Document filed by United States Department of Labor.(Bretz, Emily) (Entered: 01/29/2019)
01/31/2019	<u>17</u>	NOTICE OF APPEARANCE by Kevin M. Lynch on behalf of State of New York. (Lynch, Kevin) (Entered: 01/31/2019)